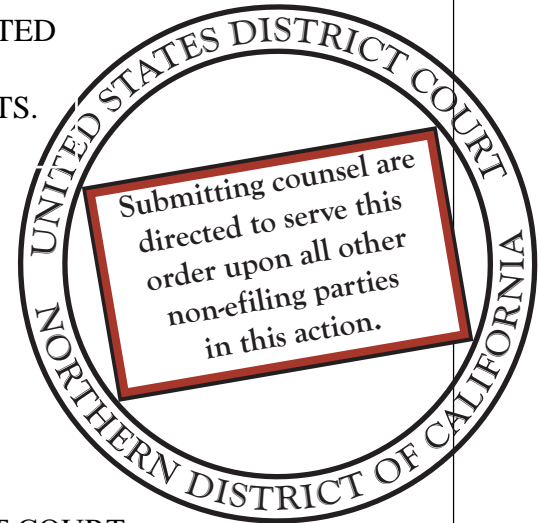


*COUNSEL IS DIRECTED
TO FILE A PROOF OF
SERVICE ON ALL PLTS.
OF THIS ORDER.



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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROBERT O. GILMORE, JR., et al.,

Plaintiffs,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

CV 66-45878 SI

**STIPULATION TO SHORTEN
TIME FOR HEARING ON
DEFENDANTS' MOTION FOR
PROTECTIVE ORDER**

Defendants have moved this Court in accordance with Federal Rules of Civil Procedure, rule 26(c) for a protective order staying discovery until the Court has ruled on Defendants' Motion to Terminate. Unless Defendants' motion for a protective order is heard on a shortened schedule, the Court will be unable to issue a decision before Defendants' responses to Plaintiffs' first set of interrogatories and first request for production of documents are due.

THEREFORE THE PARTIES AGREE AND STIPULATE that Defendants' motion for a protective order will be filed on November 30, 2009. Any opposition to Defendants' motion for a protective order will be due by Wednesday, December 9, 2009. Defendants waive their right to reply. The parties respectfully request that the Court rule on Defendants' motion by December 14, 2009.

1 THE PARTIES FURTHER AGREE AND STIPULATE that, unless otherwise ordered by
2 the Court, the matter will be deemed submitted on the papers once the opposition has been filed.

3
4 Dated: November 30, 2009

Respectfully submitted,

5 EDMUND G. BROWN JR.
6 Attorney General of California

7
8 /s/ Damon McClain
9 DAMON MCCLAIN
10 Deputy Attorney General
11 *Attorneys for Defendants State of California,*
12 *et al.*

13
14 Dated: November 30, 2009

PRISON LAW OFFICE

15 /s/ Alison Hardy
16 ALISON HARDY
17 Attorneys for Plaintiffs

18
19 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

20
21 Dated: _____



22 _____
23 The Honorable Susan Illston
24 United States District Judge
25
26
27
28

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Gilmore v. California**
No.: **CV 66-45878 SI**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On November 30, 2009, I served the attached

**STIPULATION TO SHORTEN TIME FOR HEARING ON DEFENDANTS'
MOTION FOR PROTECTIVE ORDER**

**DECLARATION OF DAMON MCCLAIN IN SUPPORT OF STIPULATION TO
SHORTEN TIME FOR HEARING ON DEFENDANTS' MOTION FOR
PROTECTIVE ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Megan Hagler, Attorney at Law
Prison Law Office
1917 Fifth Street
Berkeley, CA 94710-1916
Attorney for Robert O. Gilmore, Jr.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 30, 2009, at San Francisco, California.

L. Santos
Declarant

/s/ L. Santos
Signature